

the city attorney shall not in any manner be precluded from initiating or further prosecuting a matter under chapter 125.
(Ord. No. 94-923, § 3, 9-7-94)

Secs. 2-271—2-275. Reserved.

**ARTICLE VIII. PUBLIC WORKS AND
ENGINEERING DEPARTMENT***

Sec. 2-276. Department created.

There is hereby created the department of public works and engineering of the city.
(Ord. No. 90-635, § 7, 5-23-90; Ord. No. 93-514, § 5, 5-5-93)

Sec. 2-277. Office of director.

There is hereby created the office of director of the department of public works and engineering. The director shall be the executive officer of the department. The director shall be a professional engineer, registered as such in Texas, and shall be appointed by the mayor and confirmed by the city council.

(Ord. No. 90-635, § 7, 5-23-90; Ord. No. 93-514, § 5, 5-5-93; Ord. No. 05-91, §§ 1, 5, 1-25-05)

Charter reference—Appointment of heads of administrative departments, Art. VI, § 7a.

Sec. 2-278. Duties.

(a) The duties of the department shall include the following:

- (1) Construction, maintenance and operation of the city's water system, sewer system, drainage utility system, and any combination of those systems.

***Editor's note**—Section 7 of Ord. No. 90-635, adopted May 23, 1990, amended Art. VIII to read as herein set forth. Prior to such amendment, Art. VIII pertained to the department of public works and engineering and consisted of §§ 2-276—2-285 which derived from §§ 2-172—2-181 of the 1968 Code as amended by Ord. Nos. 82-1011 and 87-1326. Additionally, § 159 of Ord. No. 90-635 renumbered former § 2-285 as § 47-49.

Subsequently, Ord. No. 93-514, § 5, adopted May 5, 1993, amended Art. VIII, §§ 2-276—2-279, to read as herein set out. Prior to such amendment, Art. VIII pertained to the public works department.

- (2) Design, construction, repair and maintenance of streets, bridges, structures and capital projects of all natures as required for the infrastructure of the city.
- (3) Acquisition of real property for capital projects and maintenance of real property records; disposal of surplus real property.
- (4) Operation and maintenance of city buildings and structures that are assigned to the department.
- (5) Design, installation and maintenance of traffic control signals and devices and related duties.
- (6) Administration and enforcement of the city's Construction Code and related laws.
- (7) Administration of the building official's functions assigned to the department in chapter 10 of this Code.
- (8) Any other duties as assigned by the mayor or city council pursuant to law.

(b) To the extent that this Code or any other ordinance or any motion, resolution, or other document devolves duties relating to the enforcement of the Construction Code upon the department of planning and development or the director thereof, then such references shall be construed to mean the department of public works and engineering and the director thereof.

(Ord. No. 90-635, § 7, 5-23-90; Ord. No. 93-514, § 5, 5-5-93; Ord. No. 94-674, § 3, 7-6-94; Ord. No. 98-613, § 10, 8-5-98; Ord. No. 02-528, § 14d., 6-19-02; Ord. No. 03-794, § 5, 9-3-03; Ord. No. 04-1015, § 6, 9-27-04)

**Sec. 2-279. Certain functions to be performed
by the building services and aviation departments.**

With the exception of real estate acquisition and disposition, which shall continue to be handled by the department, the planning, design, construction and management of city buildings shall be the responsibility of the building services and aviation departments, as provided in this Code.

(Ord. No. 99-378, § 3, 4-21-99)

Note—This section shall take effect July 1, 1999.

Sec. 2-280. Use of training services by outside agencies.

The public works and engineering department shall maintain one or more training facilities at which job related training shall be provided to personnel of the department and of other city departments. Priority shall be given in all training courses conducted by the public works and engineering department to city employees. To the extent that any excess capacity may exist in any class or training course after city needs have been accommodated, the public works and engineering department may allow persons who are employed by other political subdivisions, persons who are employed by construction contractors and other persons to attend the class or training course. The director of public works and engineering may adopt procedures regarding the offering of training to persons who are not city employees. The director of public works and engineering or the director's designee shall establish training fees, registration fees, lab fees, printing fees, and other related fees for any training furnished to persons who are not city employees. The fees shall be payable for each person other than a city employee attending each class. The fees shall be based upon the city's cost of providing the services and shall be remitted to the city treasury. In addition to the imposition of the fees authorized above for training provided to persons who are not city employees, the director of public works and engineering may impose interdepartmental fees to recover the public works and engineering department's costs when training is provided to city personnel who are assigned to other departments.

(Ord. No. 00-14, § 1, 1-5-00)

Sec. 2-281. Leasing of parking lots.

(a) The department shall have and exercise management of the leasing, subject to city council approval, of all city-owned parking lots, and garages that are situated on property within its director's custody and of any that are situated on other city property that is assigned to the department for such purpose. The department shall collect and account for the revenues therefrom.

(b) Users of the post office lot, being that parking lot beneath Interstate 45 between Franklin and the Southern Pacific Railroad tracks, shall be liable for payment of the following fees, per vehicle:

- (1) Monday through Friday, from 6:00 a.m. to 6:00 p.m., or any fraction thereof: \$1.85, plus any applicable sales tax, per day.
- (2) Special events parking, Monday through Friday, from 6:00 p.m. to 6:00 a.m., and all day Saturday, Sunday, or any fraction thereof: \$1.62, plus any applicable sales tax, per day.

(Ord. No. 91-1076, § 7, 7-17-91; Ord. No. 96-50, § 6, 1-17-96; Ord. No. 96-1379, § 1, 12-18-96)

Sec. 2-282. Freeway ramp closing agreements.

The director of public works and engineering is authorized to negotiate agreements with the Texas Department of Transportation for the temporary closure of ingress and egress ramps of state maintained controlled access highways as may be necessary or desirable for public safety during temporary use of adjacent city streets for events such as the Houston International Festival, street functions conducted under section 40-27 of this Code, parades conducted under chapter 45 of this Code, city sanctioned motor vehicle races, and similar activities.

(Ord. No. 00-184, § 1, 3-22-00)

Secs. 2-283—2-290. Reserved.

ARTICLE IX. HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

Sec. 2-291. Department created.

There is hereby created the housing and community development department.

Sec. 2-292. Director.

(a) There is hereby created the office of director of the housing and community development department.

(b) The director shall be the executive officer of the department and shall perform or cause to be performed the duties that are assigned by law or by the mayor.

(Ord. No. 89-1079, § 1, 7-12-89)

Sec. 2-293. Duties.

In addition to any other duties that may from time to time be assigned, the director and the department shall be charged with:

- (1) Administration of the community development block grant program;
- (2) Administration of all city housing programs (except those administered by the housing authority of the City of Houston) including the rental, rehabilitation, emergency repair, urban homesteading, replacement housing, lead-based paint removal program and housing improvement programs and the contracts for professional services and other support required for the administration thereof;
- (3) Coordination with the housing authority of the City of Houston to assure the effective development of public housing;
- (4) Development of neighborhood plans and coordination of neighborhood development with other city departments;
- (5) Administration of the city's economic development programs, including but not limited to, the small business development corporation, target of opportunity loan program and enterprise zone development program;
- (6) Monitoring the city's participation in the federal job training partnership act program;
- (7) Rendering support services to the city's affirmative action division and director regarding compliance with affirmative action requirements, Davis-Bacon Act compliance and other requirements that are administered by the affirmative action division for contracts, programs and projects administered by the department under this article;
- (8) Monitoring the disbursement of funds and program operations of those city service programs for the elderly including, but not limited to, meals programs and transportation programs that are funded in whole or in part with federal community development block grant funds, which programs shall be administered through the health and human services department;
- (9) Monitoring the disbursement of funds and program operations of those city service programs for the provision of child care services and/or the reduction of juvenile delinquency that are funded in whole or in part with federal community development block grant funds, which programs shall be administered through the health and human services department;
- (10) Administering the city's program for the rendition of relocation payments and assistance to persons who have been displaced by federal community development block grant funded activities;
- (11) Monitoring the expenditure of federal community development block grant funds by the parks and recreation department for leisure enrichment activities in the city's parks, including the development of inter-departmental agreements for the services to be rendered with those funds;
- (12) Acting as the city's liaison with the Houston residents citizen participation commission; and
- (13) Rendering support services for the well being of the citizens of the city in the areas of independent living, aesthetic environment, employment opportunities, natural resources utilization and other matters affecting the quality of life.

(Ord. No. 89-1079, § 1, 7-12-89; Ord. No. 90-2, § 1, 1-3-90; Ord. No. 91-1102, § 1, 7-31-91; Ord. No. 02-528, § 14e., 6-19-02)

Sec. 2-294. Transfer of duties.

To the extent that any of the duties to be performed by the director or the department are assigned elsewhere in this Code or in any other

ordinances, resolutions, motions or regulations of the city to the director of public works and engineering or the public works and engineering department, or to the director of planning and development or the department of planning and development, or to the mayor or the office of the mayor or any division thereof, or to the director of the real estate department or to the real estate department, or to the director of health and human services or to the health and human services department, then such references shall be construed, as applicable, to mean the department and director created in this article.
(Ord. No. 89-1079, § 1, 7-12-89)

alleging acts or omissions by such officers, employees and volunteers during the course and scope of their assigned duties with the city.
(Ord. No. 91-1611, § 1, 11-13-91)

Sec. 2-295. Use of community development block grant funds for personnel.

Except within the housing and community development department, no position of employment within city government shall be directly funded in whole or in part through the expenditure of federal community development block grant funds unless the funding of the position with those funds is authorized by the city council in the personnel ordinance creating the position. The provisions of this section shall not be construed to prohibit reimbursements paid through federal community development block grant funds to other city departments for personnel services rendered in support of community development block grant projects and activities under interdepartmental service agreements approved by the director of the housing and community development department.
(Ord. No. 89-1079, § 1, 7-12-89)

Secs. 2-296—2-300. Reserved.

**ARTICLE X. LEGAL REPRESENTATION
AND INDEMNIFICATION OF CITY
OFFICERS AND EMPLOYEES**

Sec. 2-301. Generally.

The purpose of this article is to establish the city's policy of providing legal representation and indemnification to city officers, employees and volunteers against whom civil lawsuits are brought

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Sec. 2-302. Definitions.

As used in this article, the following terms and phrases shall have the following meanings:

City attorney means the city attorney or his designee.

Covered person means a person who is:

- (1) A salaried employee of the city;
- (2) A member of a city board, commission, or committee created by charter, ordinance, or resolution of the city;
- (3) The mayor, the city controller, or a member of the city council; or
- (4) A volunteer who has been approved as a volunteer by a departmental volunteer coordinator and who is working under the direction of an employee of the city.

(Ord. No. 91-1611, § 1, 11-13-91)

Sec. 2-303. Legal representation.

(a) The city shall, subject to the exclusions described below, provide legal representation to a covered person for any claim or lawsuit brought against the covered person alleging acts or omissions by the covered person during the course and scope of their assigned duties with the city.

(b) The city may provide legal representation to a covered person by assigning an assistant city attorney to undertake such representation or by employing a private lawyer or law firm.

(c) The city shall pay all costs associated with legal representation, including any fees of the attorney selected by the city attorney to represent the employee, court fees, deposition and expert witness fees and other costs associated with the preparation for or presentation of the covered person's defense.

(d) Covered persons who wish to select and employ their own attorney may do so at their own cost.

(e) Notwithstanding the above, the city shall not be obligated to provide legal representation to a covered person if:

- (1) The acts or omissions alleged in the claim or lawsuit are intentional or willful, and the city attorney has determined, based on a departmental investigation or such other information as is available to the city attorney, that the covered person intentionally or wilfully violated a city ordinance, rule or policy or a clearly established constitutional or statutory right or was otherwise acting in bad faith; or
- (2) The claim or lawsuit against the covered person has been brought by or on behalf of the city.

(Ord. No. 91-1611, § 1, 11-13-91)

Sec. 2-304. Indemnification.

(a) The city shall, subject to the exclusions and other provisions of this section, pay judgments, attorney's fees and costs assessed against a covered person in a lawsuit for which the city has an obligation to provide legal representation under section 2-303, above.

(b) The city shall not pay that portion of any judgment against a covered person that awards:

- (1) Exemplary or punitive damages; or
- (2) Awards actual or compensatory damages arising out of a cause of action for official misconduct.

(c) Total payments made under this section on behalf of a covered person shall not exceed one hundred thousand dollars (\$100,000.00) to any one (1) person or three hundred thousand dollars (\$300,000.00) for any single occurrence of personal injury or death or ten thousand dollars (\$10,000.00) for a single occurrence of property damage.

(d) Where multiple claims are made against two (2) or more covered persons or against the city and one (1) or more covered persons for injuries and/or damages from a single occurrence, and where the city's liability is limited by the Texas Tort Claims Act, the total of all payments arising out of the bodily injury or death of any one (1) person shall not exceed two hundred fifty thousand dollars (\$250,000.00) and the total of all payments arising out of a single occurrence shall not exceed five hundred thousand dollars (\$500,000.00).

(e) The city shall have the right to investigate, negotiate, and settle any claim or suit as it determines desirable.

(Ord. No. 91-1611, § 1, 11-13-91)

Sec. 2-305. Duties and responsibilities of covered persons.

In order to receive the benefits of the legal representation and indemnification provisions of this article a covered person must:

- (1) Notify the city attorney, in writing, as soon as practicable upon receipt of written notice of a claim or lawsuit, but no later than five (5) working days after receipt;
- (2) Cooperate with the city attorney and, upon the city attorney's request, assist in making settlements, in the conduct of suits, and in enforcing any right of contribution or indemnity against a person or organization who may be liable to the city because of injury or damage covered under this article;
- (3) Attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses; and
- (4) Not, except at the covered person's own cost, voluntarily make any payment, assume any obligation, or incur any expense with respect to a claim or lawsuit without the consent of the city.

(Ord. No. 91-1611, § 1, 11-13-91)

Sec. 2-306. Subrogation.

If payment or legal representation is provided under this article, the city is subrogated to the covered person's rights of recovery against any person or organization to the extent of the city's liability and payments, and the covered person must execute and deliver to the city attorney whatever documents are necessary to secure those rights. The covered person shall not do anything after a loss to prejudice those rights.

(Ord. No. 91-1611, § 1, 11-13-91)

Sec. 2-307. No creation of cause of action.

Nothing contained in this article shall be construed as creating a right or cause of action against Supp. No. 23

a covered person nor as giving a right to a third party to institute or maintain a suit which would not otherwise exist under law as a legal claim against a covered person.

(Ord. No. 91-1611, § 1, 11-13-91)

Secs. 2-308—2-315. Reserved.

ARTICLE XI. BOARDS, COMMISSIONS, AUTHORITIES, ETC.*

DIVISION 1. GENERALLY

Sec. 2-316. Residency requirements.

(a) No person shall be appointed to any board or commission of this city unless at the time of such appointment, and throughout the duration of such appointment, such person maintains his or her actual residence and domicile within the corporate limits of the city, except as follows:

- (1) When otherwise specifically provided in any ordinance which designates the composition of a city board or commission.
- (2) Full-time salaried employees of the city.
- (3) Any person presently serving as a member of any board or commission of this city including the right of any such current board or commission member to be reappointed to such position without regard to the foregoing residency requirement.

(b) Any person who removes his actual residence or domicile from within the corporate limits of the city during the term of an appointment to any city board or commission shall automatically be

*Cross references—Ambulance advisory committee, § 4-2; automotive board, § 8-17 et seq.; aircraft facility review and appeals board, § 9-31 et seq.; housing board of appeals, § 10-186; civil service commission, § 14-1; contracts compliance commission, § 15-19; official conduct review committee, § 18-4; board of health, § 21-41 et seq.; Southwest Texas Hospital Financing Agency, § 21-61 et seq.; library board, § 24-25 et seq.; Houston Parks Board, § 32-201 et seq.; Houston Garden Center Advisory Board, § 32-126 et seq.; planning commission, § 33-14 et seq.; appeals board for news media identification, § 34-134; board of public trusts, § 36-20 et seq.; Houston Foundation, § 36-46 et seq.; Houston Clean City Commission, § 39-30 et seq.

disqualified from such appointment thereby making the appointment null and void so as to make the position theretofore held by any such person vacant effective simultaneously with such change in residency or domiciliary.
(Code 1968, § 2-38; Ord. No. 76-1402, § 1, 8-18-76)

Secs. 2-317—2-325. Reserved.

**DIVISION 2. MUNICIPAL ART
COMMISSION***

Sec. 2-326. Definition.

The term "work of art," as used in this division, shall include paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent or temporary character intended for ornament or commemoration.
(Code 1968, § 2-85)

Sec. 2-327. Established; function.

There is hereby established a municipal art commission of the city to act in an advisory capacity to the city council in connection with the artistic and cultural development of the city.
(Code 1968, § 2-86)

Sec. 2-328. Composition; appointment of members.

The municipal art commission shall consist of 18 members to be appointed by the mayor and confirmed by the city council. The composition is as follows:

- (1) Position 1 shall be held by a painter.
- (2) Position 2 shall be held by a sculptor.
- (3) Position 3 shall be held by a musician.
- (4) Position 4 shall be held by a writer of literature.
- (5) Position 5 shall be held by an architect.
- (6) Position 6 shall be held by a landscape architect.

*Cross reference—The Houston International Festival, § 12-81 et seq.

- (7) Positions 7, 8, 9, 10, 11, 12, 13, 14, and 15 shall be held by art professionals.

- (8) Positions 16, 17, and 18 shall be held by residents of the city who are interested in matters of the arts.

(Code 1968, § 2-87; Ord. No. 00-1030, § 2, 11-21-00)

Sec. 2-329. Terms of members; removal; etc.

(a) The term of office shall be two years and shall expire as follows:

- (1) For positions 1, 2, 3, 4, 5, 6, 7, 8, and 9, the terms shall expire on January 1 of even-numbered years.
- (2) For positions 10, 11, 12, 13, 14, 15, 16, 17, and 18, the terms shall expire on January 1 of odd-numbered years.

(b) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and qualified. Any vacancy in an office shall be filled for the unexpired term.

(c) Any member of the commission may be removed by the mayor for good cause.

(d) Members of the municipal art commission are "city officials" as that term is defined in chapter 18 of this Code.

(Code 1968, § 2-88; Ord. No. 78-65, § 1, 1-11-78; Ord. No. 00-1030, § 2, 11-21-00)

Sec. 2-330. Compensation of members.

Members of the municipal art commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the commission, or the firm, company or corporation with whom the member is associated, shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the member's duties as a member of the municipal art commission.
(Code 1968, § 2-89)

Sec. 2-331. Chairman.

The municipal art commission shall organize by electing one of its members as chairman, who shall hold such office for one year or until his successor has been elected and qualified.

(Code 1968, § 2-90)

Sec. 2-332. Adoption of administrative procedures.

The municipal art commission may adopt such administrative procedures as are necessary to accomplish the purposes set forth in this division.

(Code 1968, § 2-91)

Sec. 2-333. Consultation with city officers and department staffs.

City officers and staffs of city departments may consult and advise with the art commission from time to time on matters coming within the scope of this division, and the commission may consult and advise with such city staffs and officers.

(Code 1968, § 2-92)

Sec. 2-334. Solicitation of gifts of art and funds.

The municipal art commission shall have the authority and duty to solicit gifts of art on behalf of the city and to encourage public-spirited citizens to contribute funds, as well as permanent works of art, to the city and thereby help to beautify the city and the public buildings and grounds situated therein.

(Code 1968, § 2-93)

Sec. 2-335. Advice to owners of private property.

The municipal art commission may advise with owners of private property in relation to the beautification of such property, and anyone contemplating the erection of any building or the making of any improvements thereon may submit the plans and designs or sketches thereof to the commission for advice and suggestions, for which no charge shall be made by the commission.

(Code 1968, § 2-94)

Sec. 2-336. Reports and recommendations.

(a) It shall be the duty of the municipal art commission to examine all works of art or a design or model of same which are proposed for permanent or long-term placement on city property or are to become the property of the city by purchase, gift or otherwise, except for those works to be placed in a museum or gallery, together with the proposed location of such works of art and to make recommendations to the mayor and city council as to the suitability of such works and/or their location.

(b) No existing work of art in the possession of the city shall be removed, relocated or altered in any way without such proposed change first being submitted to the commission for report and recommendation. The municipal art commission shall not be required to make recommendations regarding the temporary placement of works of art on city property under the following conditions:

- (1) The placement is for a period of time not to exceed 90 days. The director of the city department having jurisdiction over the site may extend the temporary placement of a work of art for two consecutive periods of time not to exceed 90 days each.
- (2) A written application by the person or group responsible for placement and removal has been approved in writing by the city department having jurisdiction of the site.
- (3) Each application shall contain a detailed time table covering placement and removal of the work and a clear commitment for its timely removal. Should the director of the city department concerned determine it advisable, he may require the posting of a bond not to exceed \$2,000.00 conditioned on the timely removal of the object.
- (4) Approved applications shall be promptly forwarded by the city department making the approval to the secretary of the municipal art commission.
- (5) Notice of removal or delays therein shall be promptly forwarded by the city department making the approval to the secretary of the municipal art commission.

(c) Nothing in this section regarding the temporary placement of works of art shall prevent the city council from requesting the municipal art commission to formulate a recommendation with respect to the temporary placement of a work of art on city property in a specific case or to prevent any person or group from applying directly to the municipal art commission for their recommendation or to the city council for permission to place a work of art temporarily on city property.

(Code 1968, § 2-95; Ord. No. 78-65, § 2, 1-11-78; Ord. No. 78-740, § 1, 4-18-78; Ord. No. 91-1634, § 1, 11-20-91)

Sec. 2-337. Specifications for and inspection of maintenance of works of art.

The municipal art commission may prepare specifications for the maintenance of works of art and shall inspect such maintenance work for the guidance of the city departments concerned.

(Code 1968, § 2-96)

Secs. 2-338—2-345. Reserved.

DIVISION 3. RESERVED*

Secs. 2-346—2-359. Reserved.

DIVISION 4. HOUSTON READ COMMISSION†

Sec. 2-360. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

- (1) *Literacy* shall mean the ability to read, write, analyze, reason, and to use mathematics well enough to perform tasks basic to everyday life in an increasingly complex technological society.
- (2) *Literacy service provider* shall mean a non-profit, tax-exempt organization providing low-cost or free literacy tutoring services for adults who are illiterate or marginally literate in the English language.

(Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-361. Creation; appointment of members.

There is hereby created the Houston READ Commission hereinafter called "the READ Commission" or the "commission," which shall consist of 24 members, 17 of whom shall be appointed by the mayor, subject to confirmation by the city council and five of whom shall be appointed by the city council, as specified in section 2-362, and two ex officio members who are the directors of the libraries of the City of Houston and of Harris County. The ex officio members in Positions 23 and 24 as outlined in section 2-362(b)(9) shall have full voting privileges.

(Ord. No. 88-93, § 1, 1-20-88; Ord. No. 92-423, § 1, 4-15-92)

*Editor's note—Ord. No. 95-228, § 14, adopted Mar. 1, 1995, repealed former div. 3, §§ 2-346—2-352, which pertained to the Houston Archeological and Historical Commission.

†Editor's note—Section 1 of Ord. No. 88-93, enacted Jan. 20, 1988, purported to amend Ch. 2 by adding thereto Div. 4, §§ 2-60—2-74. With the consent of the city, such provisions have been included herein as §§ 2-360—2-374.

Sec. 2-362. Composition; positions, terms of members.

(a) The initial members of the Houston READ Commission shall consist of the superintendent of the Houston Independent School District and the president of the Houston Community College System or their high-ranking designated representatives in Positions 1 and 2, the four officers of R.E.A.D. Council, a Texas Nonprofit Corporation, who will serve in Positions 3, 4, 5, and 6 of the commission, 11 others appointed by the mayor and confirmed by the city council and five others appointed by the city council. The mayor and the city council shall consider for appointment of the 16 others to the initial commission the other board members of R.E.A.D. Council, a Texas Nonprofit Corporation, members of the mayor's task force on literacy, and interested members of the public.

(b) The members of the READ Commission shall be appointed to specific positions. Positions 1 through 17 shall be appointed by the mayor and confirmed by the city council. Positions 18 through 22 shall be appointed by the city council. The composition is as follows:

- (1) Positions 1 and 2 shall be held respectively by the superintendent of the Houston Independent School District, or his or her high-ranking designated representative and by the president of the Houston Community College System, or his or her high-ranking designated representative.
- (2) Positions 3, 4, 5, 6, 7, 8 and 9 shall, after the terms of initial members expire, be held by members of the business sector in the city.
- (3) Position 10 shall be held by a representative of higher education in the city.
- (4) Positions 11 and 12 shall be held by representatives of the media or the communications industry in the city.
- (5) Positions 13 and 14 shall be held by representatives of volunteer organizations in the city with an interest in literacy. The mayor shall consider civic, religious, and other similar organizations.
- (6) Positions 15 and 16 shall be held by representatives of literacy service providers in

the city. After the terms of the initial members expire, the mayor shall appoint to Positions 15 and 16 persons nominated by the mayor's literacy service providers advisory board.

- (7) Position 17 shall be held by a representative of the public employment and training sector.
- (8) Positions 18, 19, 20, 21, and 22 shall be held by interested citizens of the city.
- (9) Positions 23 or 24 shall be held by library directors as provided in section 2-361.

(c) After expiration of the terms of the initial members, one organization shall not be represented on the commission more than once at any one time; however, employment by or membership in an organization by a person shall not of itself be a deciding factor regarding the prohibition. The decision of the city council in this matter shall be final.

(d) No person shall serve more than two consecutive terms on the commission.

(e) The terms of office for positions on the Houston READ Commission shall be as follows:

- (1) Positions 1 and 2 shall have no set term unless filled by a designated representative, in which case the terms shall expire on January 1, 1990, and on the same date on each third successive year thereafter.
- (2) The terms of office for Positions 3, 6, 9, 12, 15, 18, and 21 shall expire on January 1, 1990, and on the same date in each third successive year thereafter.
- (3) The terms of office for Positions 4, 7, 10, 13, 16, 19, and 22 shall expire on January 1, 1991, and on the same date in each third successive year thereafter.
- (4) The terms of office for Positions 5, 8, 11, 14, and 17, and 20 shall expire on January 1, 1992, and on the same date in each third successive year thereafter.

(f) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and confirmed.

(g) By majority vote of its members, the Houston READ Commission may designate persons to serve one-year terms as honorary or ex-officio members of the commission. Persons so designated shall not be members of the READ Commission and they shall not have a vote.

(h) Positions 4, 5, 7, 12 and 13 shall be exempt from the residency requirements of section 2-316(a) of the Code of Ordinances provided those positions are occupied by persons working or having a business within the corporate limits. (Ord. No. 88-93, § 1, 1-20-88; Ord. No. 89-395, § 1, 3-22-89; Ord. No. 92-423, § 2, 4-15-92; Ord. No. 93-58, § 1, 1-20-93)

Editor's note—Section 2 of Ord. No. 92-423, adopted April 15, 1992, amended § 2-361(b) by the addition of a subsection (9). Due to a scrivener's error, this amendment has been made to § 2-362(b), with the city attorney's authorization.

Sec. 2-363. Mayor's literacy service providers advisory board.

There is hereby established the mayor's literacy service providers advisory board. The sole purposes of this board are to provide a forum where literacy service providers in the city can meet to discuss needs of the members and the literacy needs of the city, to make recommendations to the mayor and the READ Commission on such matters, and to nominate and submit to the mayor at least three (3) months before each term expires a list of at least five (5) candidates from which the mayor will appoint persons to fill Positions 15 and 16 on the commission. Membership on the board is open to all literary service providers in the city. If the board fails to nominate and submit a list of candidates in a timely fashion, the mayor shall select the person to be appointed, section 2-362(b)(6) notwithstanding. (Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-364. Assistance by certain city departments.

The directors of the departments of libraries, planning and development, health and human services and finance and administration, and their staffs shall provide requested assistance to the

READ Commission. The city attorney and his staff shall provide legal services and representation to the READ Commission.

(Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-365. Compensation of members; conflicts of interest.

Members of the READ Commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that the commission may appropriate and disburse sufficient funds in its control to pay the expenses of administering its duties, and provided further that a member of the commission or the firm, company or corporation with whom the member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered which has no relation to the member's duties as a member of the commission. Members of the commission shall abstain from voting upon matters in which they have or may have a conflict of interest and officers and members of the commission shall not participate in any activity of the corporation in which they have or may have a conflict of interest.

(Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-366. Organization.

(a) Until elections are held pursuant to subsection (b) of this section, the officers of R.E.A.D. Council shall, from the effective date of this division, serve as officers of the READ Commission for all purposes, including that of signing the restated articles of incorporation approved in section 2-374.

(b) The READ Commission shall organize by electing from their membership a president, a vice president, a secretary and a treasurer, each of whom shall hold office for one (1) year, or until their successors shall have been elected and qualified. No officer shall serve more than two (2) consecutive terms in the same office, and no person shall serve more than four (4) consecutive years as an officer. The commission may adopt such administrative procedures as are necessary or convenient to accomplish the purposes set out in this division. The commission may employ an execu-

tive director and necessary staff, at salaries set by the commission. The executive director and the staff of the READ commission shall not be considered employees of the city for any purposes and shall not be entitled to any of the privileges or benefits of the city's employees.

(Ord. No. 88-93, § 1, 1-20-88; Ord. No. 89-395, § 2, 3-22-89)

Sec. 2-367. Purposes.

The purposes of the READ Commission shall be to:

- (1) Receive and maintain real or personal property, or both, and to use and apply the income therefrom and the principal thereof exclusively for charitable, scientific, literary and educational purposes;
- (2) Solicit funds, gifts, and bequests for literacy providers and literacy activities in the city;
- (3) Review and make advisory recommendations to the mayor and city council on proposed literacy projects to be paid for by city funds;
- (4) Manage and invest, and to oversee the management and investment of solicited funds, gifts, and bequests donated for literacy purposes, including, but not limited to, the purchase or sale of real and personal property and of investments in bonds, notes, common stocks, and securities of any kind whatsoever;
- (5) Bring to the attention of Houston residents the extent and ramifications of functional illiteracy in the city;
- (6) Recruit and screen volunteers and students, direct them to organizations that offer literacy services, and monitor their progress;
- (7) Find organizations, facilities and resources to help promote literacy;
- (8) Encourage and expand new approaches and programs to promote literacy;
- (9) Prevent the perpetuation of functional illiteracy, particularly through family or intergenerational literacy programs;

- (10) Work toward creation of a literate work force in Houston as the foundation of a strong economy;
 - (11) Assist in enriching the lives of Houstonians and enable them to reach their full potential by helping them become literate;
 - (12) Formulate and submit to the mayor and city council in December of each year a report on literacy projects using funds and assets held by the commission or for its benefit in trust accounts, or invested by the commission. A one-month extension of time for submission of the report may be given by the mayor;
 - (13) Offer technical assistance and training to individuals and organizations to increase and improve literacy services; and
 - (14) Establish pilot or demonstration programs needed to fill gaps in the literacy service delivery system, particularly for underserved and at-risk groups.
- (Ord. No. 88-93, § 1, 1-20-88; Ord. No. 89-395, § 3-6, 3-22-89)

Sec. 2-368. Additional powers.

(a) The READ Commission may cooperate with any trust created for a purpose similar to that of the commission as set out in section 2-367 of this Code. In addition, the commission may contract for financial management and investment services and may pay the reasonable fees therefor from solicited funds, gifts, bequests, and income therefrom; provided, the commission shall exclude therefrom any solicited funds, gifts, or bequests when payment of a financial management and investment service fee would be contrary to the provisions of the grant.

(b) The READ Commission may exercise its sole discretion in the application for literacy purposes of funds received from any trust created specifically for the benefit of the READ Commission when such trust specifically grants such sole authority to the commission and from funds donated directly to the READ Commission; provided, expenditure of funds shall be in compliance with the applicable competitive bid laws of the state and the Charter of the city.

(Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-369. Financial records.

The financial books and records of the READ Commission shall be open to inspection and audit during regular business hours by authorized representative of the city, or by independent certified public accountants employed by the city. Similarly, the financial books and records of any trust created for the benefit of or to cooperate with the READ Commission shall be open to such inspection and audit.

(Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-370. Annual financial report.

The READ Commission shall make an annual financial report to the city council.

(Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-371. Fidelity bond.

Each READ Commission member shall furnish to the city a fidelity bond in the amount of \$10,000.00; provided, the premium therefor shall be paid by the city; and provided further, this requirement may be satisfied by amendment to the city's blanket fidelity bond for city employees so as to authorize inclusion of the commission members.

(Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-372. Meetings.

Regular READ Commission meetings shall be held at least four times a year. In addition, special meetings may be held in accordance with such rules as the commission may provide. A quorum of the members of the commission shall consist of such number of members, being not less than a majority thereof, as may be specified in the corporate bylaws of the commission.

(Ord. No. 88-93, § 1, 1-20-88; Ord. No. 94-1370, § 2, 12-21-94)

Sec. 2-373. Removal of members.

READ Commissioners may be removed by the city council for the followings causes:

- (1) Four consecutive absences from regular meetings of the READ Commission;

- (2) Failure to abstain in votes or activities of the READ Commission, where direct or indirect conflicts of interest are, or may be involved;
 - (3) Failure to obtain or keep in force a fidelity bond; or
 - (4) Conduct, whether or not resulting in a conviction, which impairs the ability of the member to carry out his or her READ Commission duties.
- (Ord. No. 88-93, § 1, 1-20-88)

Sec. 2-374. Articles of incorporation.

The city council hereby approves the form and substance of the restated articles of incorporation of R.E.A.D. Council to be articles of incorporation for the Houston READ Commission, under the Texas Nonprofit Corporation Act. A copy of said articles of incorporation is on file in the office of the city secretary. In the event of the dissolution of this corporation, the city shall succeed to the funds and assets of the corporation except to the extent that this may conflict with the conditions of a particular donation to the corporation.

(Ord. No. 88-93, § 1, 1-20-88)

Secs. 2-375—2-379. Reserved.

DIVISION 5. HOUSTON COMMISSION ON DISABILITIES

Sec. 2-380. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Commission shall mean the Houston Commission on Disabilities.

Disability shall mean, with respect to an individual, a physical or mental impairment that substantially limits one or more of the life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Physical or mental impairment shall mean:

- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, or endocrine; or
- (2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

The term includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic) and tuberculosis. Noncurrent drug addiction and alcoholism are included only to the extent that they are protected by the Act. The term does not include homosexuality or bisexuality.

Major life activities shall mean functions such as caring for one's self, seeing, hearing, speaking, breathing, learning, and working.

Has a record of such an impairment shall mean has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as having an impairment shall mean:

- (1) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;
- (2) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

- (3) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-381. Creation; appointment of members.

There is hereby created the Houston Commission on Disabilities that shall consist of 12 regular members, to be appointed by the mayor and subject to confirmation by the city council, as specified in this section. The mayor shall designate the commission's chairperson from among the membership of the commission. The individual designated by the mayor to head the mayor's office on disabilities shall be a non-voting ex-officio member. The person from the mayor's staff who is designated as the Americans with Disabilities coordinator, mayor's office, affirmative action division, shall also be a non-voting ex-officio member. The city attorney shall designate a representative from the legal department to render legal advice and attend commission meetings, but such person shall not be a member of the commission and shall not have a vote.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-382. Composition of commission; positions; terms of members.

(a) Nine of the regular members of the commission shall be residents of the city. The remaining three membership positions need not be occupied by residents of the city, provided they reside in the greater Houston metropolitan area. The membership shall have an interest in the community of disabled persons and shall share a commitment to the goals of the commission.

Members shall be broadly representative of the disabled community at large as the term "disability" is defined herein, without dominance by any single disability group.

(b) The regular members of the commission shall be appointed to specific positions. The composition is as follows:

- (1) Positions 1 through 9 shall be held by persons with disabilities.

- (2) Positions 10, 11 and 12 shall be held by persons who represent persons with disabilities or have an interest in the rights of persons with disabilities and who are known in the community as advocates for persons with disabilities. The members in these positions may be, but need not be, disabled.

(c) Except as provided in subsection (e) below, no regular member shall serve more than two consecutive terms on the commission, whether full terms or partial terms. Members in these positions may be, but need not be, disabled.

(d) The terms of office for positions on the commission shall be as follows:

- (1) The terms of members serving in odd-numbered positions shall expire on July 26 of odd-numbered years.
- (2) The terms of members serving in even-numbered positions shall expire on July 26 of even-numbered years.

(e) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed, confirmed and qualified.

(f) In addition to the regular and ex-officio members, as provided above, the commission shall have four alternate member positions numbered 1 through 4. The persons appointed to three of the alternate positions shall be residents of the city; the remaining alternate position need not be occupied by a resident of the city, provided the appointee resides in the greater Houston metropolitan area. The persons appointed to the alternate positions shall meet the criteria of item (1) or item (2) of subsection (b) above, and shall serve for two year terms as provided in subsection (d) above. Alternate members shall serve upon call in the event that a regular member is unable for any reason to attend a commission meeting and shall be called for service, as needed, on a rotating basis by the head of the mayor's office on disabilities. When so called and serving, an alternate member shall have the same rights and responsibilities as a regular member. The head of the mayor's office on disabilities shall provide written notice of each call for service issued to an alter-

nate member, which shall set forth the name of the regular member who is temporarily unable to serve and the name of the alternate member who shall take the regular member's place on a temporary basis and the time period of service. The secretary shall record the notices in the minutes of the commission.

(Ord. No. 93-956, § 1, 8-18-93; Ord. No. 98-504, § 1, 6-24-98)

Sec. 2-383. Meetings.

Regular commission meetings shall be held at least six times a year. In addition, special meetings may be held in accordance with such rules as the commission may provide. A quorum of the members of the commission shall consist of not less than a majority of the members.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-384. Removal of members.

Commissioners may be removed by the mayor for any of the following causes:

- (1) Three absences from regular meetings of the commission during any twelve-month period;
- (2) Failure to abstain in votes or activities of the commission where direct or indirect pecuniary conflicts of interest are or may be involved; or
- (3) Conduct, whether or not resulting in a conviction, that impairs or interferes with the ability of the member to carry out his or her commission duties.
- (4) Failure of a member to comply with city ordinances and commission rules.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-385. Assistance by certain city departments.

The directors of the departments of personnel, public works and engineering, planning and development, health and human services, building services and the mayor's office division of affirmative action and their staffs shall provide re-

quested assistance to the commission. The city attorney and staff shall provide legal services and representation to the commission.

(Ord. No. 93-956, § 1, 8-18-93; Ord. No. 98-613, § 12, 8-5-98; Ord. No. 99-378, § 4, 4-21-99)

Note—This section shall take effect July 1, 1999.

Sec. 2-386. Compensation of members; conflicts of interest.

Members of the commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city. A member of the commission is a "city official" as that term is defined in chapter 18 of this Code. The member shall abstain from voting upon matters in which there is or may be a conflict of interest, shall not participate in any activity of the commission in which there is or may be a conflict of interest, and shall not participate in any city contract that relates to the duties of the commission.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-387. Purposes.

The commission shall be responsible for advising and making recommendations to the mayor, city council, department directors and the individual designated by the mayor to head the mayor's office on disabilities on issues pertaining to the full spectrum of needs, rights, and privileges of people with disabilities. The subjects to be addressed by the commission shall include, but not be limited to:

- (1) Developing programs to provide employment opportunities for people with disabilities;
- (2) Developing programs to address accessibility issues;
- (3) Developing community-based programs to enhance the quality of life for Houstonians who have disabilities;
- (4) Developing programs to address the issues pertaining to alcoholism and drug abuse;
- (5) Developing programs to take full advantage of all federal, state and local funding opportunities;

- (6) Developing programs to insure adequate housing for people with disabilities; and
- (7) Developing programs to insure accessible communications for people with disabilities.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-388. Mayor's office on disabilities.

There is hereby established a mayor's office on disabilities. The office shall report to and be directly accountable to the mayor or, at the mayor's discretion, the chief of staff. The office shall be headed by an individual whose job title shall be drawn from the city's existing Master Classification Ordinance at the discretion of the mayor and who shall be an executive level employee and shall have such additional personnel as may be authorized by ordinance, from time to time.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-389. Purpose.

The mayor's office on disabilities shall provide support for initiatives of the commission and shall serve as liaison between the mayor, city council, city departments, and other public and private entities on matters pertaining to people with disabilities in the greater Houston metropolitan area.

(Ord. No. 93-956, § 1, 8-18-93)

Sec. 2-390. Duties and authority of individual designated by the mayor to head the mayor's office on disabilities.

The individual designated by the mayor to head the mayor's office on disabilities shall perform various duties including, but not limited to the following:

- (1) Assist in developing, coordinating and formulating policies and legislation relating to all people with disabilities, and assist in overseeing the implementation of programs consistent with such policies and legislation;
- (2) Act as a public advocate for the rights and needs of all people with disabilities;

- (3) Assist in coordination of compliance with all federal, state and city laws concerning people with disabilities;
- (4) Assist in analyzing existing programs for people with disabilities, and in developing and promoting additional programs for people with disabilities;
- (5) Assist in maintaining demographic and statistical data regarding people with disabilities;
- (6) Assist and educate individuals and entities in the public and private sectors regarding the implementation of the Americans With Disabilities Act; and
- (7) Provide information to assist in planning and prioritizing allocations for enhancing services and facilities for people with disabilities.

(Ord. No. 93-956, § 1, 8-18-93)

Secs. 2-391—2-395. Reserved.

DIVISION 6. JOINT CITY/COUNTY COMMISSION ON CHILDREN*

Sec. 2-396. Commission created.

The joint city/county commission on children is hereby created. The commission shall serve as an advisory body to the city and Harris County governments and their officers and agencies.

(Ord. No. 93-1469, § 1, 11-17-93)

Sec. 2-397. Composition.

(a) The commission shall consist of 25 members to be appointed and confirmed as follows:

- (1) Position one shall be the chair, who shall be jointly nominated by the mayor and

*Editor's note—Ord. No. 99-1366, § 3, adopted December 21, 1999, states that §§ 2-397—2-400 shall become effective on January 1, 2000. Effective at that time, the membership of the Joint City/County Commission on Children is dissolved and the terms of the members heretofore appointed to serve until December 31, 2000, are early terminated. Consistent with the provisions of the foregoing sections of this division, new commissioners shall be appointed to serve in all positions of the commission, as reestablished, with the exception of position 25. Members so appointed to odd-numbered positions of the commission shall initially serve the unexpired term that ends on December 31, 2000.

the county judge of Harris County, subject to separate confirmation by the city council and the commissioners court of Harris County. The chair shall not be a person who is an elected official.

- (2) Positions two through nine shall be city representatives, who shall be nominated by the mayor and confirmed by the city council. One of the city representatives shall be a council member.
- (3) Positions ten through 17 shall be Harris County representatives, who shall be nominated by the county judge and confirmed by the commissioners court of Harris County. One of the county representatives shall be a county commissioner.
- (4) Positions 18 through 25 shall be filled as follows:
 - a. The member in position eighteen shall be appointed by the Houston Independent School District Board of Trustees and shall be either the district's superintendent or one of its board members.
 - b. The member in position 19 shall be appointed by the board of trustees of the United Way of the Texas Gulf Coast and shall be either that agency's chief executive officer or one of its board members.
 - c. The member in position 20 shall be appointed by the Harris County Board of School Trustees and shall be either the Harris County School Superintendent or one of the board members.
 - d. The member in position 21 shall be appointed by the board of trustees of the Mental Health and Mental Retardation Authority of Harris County and shall be either the said agency's Executive Director, board chairperson, or the director of its Child and Adolescent Services Division.
 - e. The members in positions 22, 23, and 24 shall be appointed by the commission, with the member in po-

sition 22 being a health care professional, the member in position 23 being a member of a foundation that serves the interests of children, and the member in position 24 being a member of the Harris County delegation to the Texas Legislature.

- f. The member in position 25 shall be the chair of the Harris County Youth and Family Services Coordinating Committee, who shall serve ex officio by virtue of holding that county position, provided that when the Executive Director of the Mental Health and Mental Retardation Authority is the chair of the Harris County Youth and Family Services Coordinating Committee, the Committee shall designate an alternate person to fill this position.

(b) Each person who is appointed to the commission shall be an individual who has a demonstrated interest in the welfare of children through the appointee's own work or through association with community-based organizations that serve the needs of children.

(Ord. No. 99-1366, § 1, 12-21-99)

Sec. 2-398. Terms of office.

(a) The members in odd-numbered positions shall serve for a two year term of office that begins on the first day of each odd-numbered calendar year and ends on the last day of the following even-numbered calendar year. The members in even-numbered positions shall serve for a two year term of office that begins on the first day of each even-numbered calendar year and ends on the last day of the following odd-numbered calendar year. Vacancies shall be filled for the unexpired portion of the term. The provisions of this subsection shall not apply to the ex officio member in position number 25.

(b) The chairman may be removed by joint action of the mayor and the county judge of Harris County. The members in positions two through nine may be removed by the mayor. The members in positions ten through 17 may be removed by the county judge of Harris County. The members

in positions 18 through 24 may be removed by the authority by which they were appointed. A member shall not be removed except for due cause, which shall include, but not be limited to, failure to regularly attend meetings or pursue the affairs of the commission, conflict of interest with commission business, or conduct, whether resulting in a criminal conviction or not, that would impair the member's ability to carry out his duties.

(c) Members shall continue to serve until their successors are appointed, confirmed and qualified.

(Ord. No. 99-1366, § 1, 12-21-99)

Sec. 2-399. Assistance; funding.

(a) The mayor and city council and the elected officials of Harris County who have jurisdiction over matters within the scope of the commission's work shall render assistance to the commission.

(b) The city and Harris County may provide by interlocal agreement for the establishment of an office for the commission or for one or more employees of the city or Harris County to be assigned as staff to the commission, or for both, with the costs to be shared in the manner specified in the interlocal agreement. The agreement may also provide for the furnishing of office space and for needed supplies, equipment, utilities and related items. Except as authorized in an interlocal agreement for that purpose, neither the city nor Harris County shall have any financial obligation toward the commission. Additionally, the commission may seek and utilize private donations or public grants as resources for its operation.

(c) The members of the commission shall serve without any compensation.

(d) The chair and the members in positions two through nine are "city officials" within the meaning of chapter 18 concerning ethics of the Code of Ordinances, Houston, Texas.

(Ord. No. 99-1366, § 1, 12-21-99)

Sec. 2-400. Organization; meetings.

Thirteen members of the commission shall constitute a quorum for the transaction of business by majority vote of the members present, except

that a vote of two-thirds of the member present is required to appoint members to positions 22 through 24. At its first meeting of each calendar year, the commission shall elect a vice chair and secretary who shall serve for that calendar year. The commission shall adopt rules for the transaction of its business. Meetings may be called by the chair and additionally as provided by the rules. The commission shall meet at least one time in each quarter of each calendar year.

(Ord. No. 99-1366, § 1, 12-21-99)

Sec. 2-401. Mission.

The commission is committed to generate an action plan to advocate for individuals under the age of eighteen and their interests, assess the general welfare of our youth, offer ways in which the key needs of those individuals can be met, and promote the healthy development of those individuals, which will ultimately benefit our entire community. The commission will:

- (1) Monitor and make recommendations on state and federal efforts, including legislation and the Texas Commission on Children;
- (2) Promote children and their needs by advocating, educating and informing policy makers, program designers/administrators, business leaders and the public regarding children's issues;
- (3) Foster coordination, collaboration, and resource sharing between government and private entities;
- (4) Develop and promote a set of guidelines to integrate government and private programs, which will include primary prevention and early intervention for children and their families;
- (5) Develop recommendations for Houston and Harris County's children relating to such areas as health, education, security, safety, and employment that outline the areas of authority for city/county governments; and
- (6) Perform other duties as may be assigned by the city or Harris County.

(Ord. No. 93-1469, § 1, 11-17-93)

Sec. 2-402. Reserved.**DIVISION 7. RACING EVENTS
COMMISSION****Sec. 2-403. Commission created; makeup.**

(a) There is hereby created the racing events commission, which shall have eleven regular members who shall be appointed by the mayor and confirmed by the city council.

(b) The regular membership positions shall be numbered one through eleven. Members shall serve a two-year term of office and shall continue in office until their successors are appointed and qualified. The terms for members in even-numbered positions shall commence on January 1 of each even-numbered year and end on December 31 of the following odd-numbered year. The terms for members in odd-numbered positions shall commence on January 1 of each odd-numbered year and end on December 31 of the following even-numbered year.

(c) In addition to the eleven regular members, the director of the convention and entertainment facilities department shall serve as an ex officio, non-voting member and shall act as the secretary for the commission.

(d) The mayor may remove members of the commission for any cause. Any vacancy shall be filled in the manner provided above, but for the unexpired portion of the term of the vacant position.

(e) The mayor shall designate one of the commission members to act as the chair. At their first meeting of each year, the commission members shall elect a vice chair, who may perform the duties of the chair in case of the chair's absence or inability to function.

(f) Five regular members of the commission shall constitute a quorum for the purpose of transacting business.

(g) The commission shall meet from time to time at the call of the chair.

(h) The provisions of section 2-316 of this Code shall not be applicable to the commission.

(Ord. No. 97-1055, § 3, 9-3-97; Ord. No. 97-1626, § 1, 12-23-97)

Editor's note—Notwithstanding the provisions of this section, the terms of the initial members of the racing events commission shall expire on December 13, 1999, for members in even-numbered positions and on December 31, 2000, for members in odd-numbered positions.

Sec. 2-404. Mission.

The commission shall serve in an advisory-only capacity to the city and to event promoters with

respect to the conduct of "special racing events" as that term is defined in section 40-312 of this Code. Responsibilities of the commission shall include:

- (1) Recommendations to the city and to event promoters with respect to the marketing of special racing events that are scheduled to be conducted within the city.
 - (2) Recommendations to city officials with respect to the promotion of the city as a venue for special racing events.
 - (3) Other assistance as may be requested by the director of the convention and entertainment facilities department.
- (Ord. No. 97-1055, § 3, 9-3-97)

Sec. 2-405. Reserved.

**DIVISION 8. CITY HALL PRESERVATION
COMMITTEE**

Sec. 2-406. Committee created; makeup.

(a) There is hereby created the city hall preservation committee to include 15 members. The members in positions one through ten shall be appointed by the mayor and confirmed by the city council. The members in positions 11 through 15 shall be appointed by the city council.

(b) The regular membership positions shall be numbered one through 15. Members shall serve a two-year term of office and shall continue in office until their successors are appointed and qualified. The terms for members in even-numbered positions shall commence on January 1 of each even-numbered year and end on December 31 of the following odd-numbered year. The terms for members in odd-numbered positions shall commence on January 1 of each odd-numbered year and end on December 31 of the following even-numbered year.

(c) In addition to the 15 regular members, the mayor shall designate a city employee to serve as an ex officio, non-voting member who shall act as the secretary for the committee.

(d) The mayor may remove members of the committee for any cause. Any vacancy shall be filled in the manner provided above, but for the unexpired portion of the term of the vacant position.

(e) The mayor shall designate one of the committee members to act as the chair. At their first meeting of each year, the committee members shall elect a vice chair, who may perform the duties of the chair in case of the chair's absence or inability to function.

(f) Seven regular members of the committee shall constitute a quorum for the purpose of transacting business.

(g) The committee shall meet from time to time at the call of the chair.

(h) The regular committee members shall serve without compensation.
(Ord. No. 98-820, § 1, 9-23-98)

Sec. 2-407. Mission.

The mission of the committee is to assist and advise city officials with respect to the furnishing of public areas, reception rooms, executive offices and related areas within the city hall building in a historical manner, including:

- (1) Making recommendations regarding the furnishing of city hall in a manner that is consistent with its original furnishings, architectural style and period of construction.
- (2) Assisting in locating suitable new and used items of city hall furniture for acquisition by donation or city purchase.
- (3) Facilitating the donation of funding for city hall furnishings and the donation of appropriate items of city hall furnishing from private sources, provided that the committee may not directly receive donations and that any donations shall instead be made directly to the city.
- (4) Accomplishing any other related responsibilities that may be requested by city officials.

(Ord. No. 98-820, § 1, 9-23-98)

Secs. 2-408—2-410. Reserved.

ARTICLE XII. SECURITY

Sec. 2-411. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

City premises means a property or portion of a property that is owned by the city or is in the possession of the city by a lease or other right and is regularly maintained or occupied by employees of the city and utilized for the conducting of business of the city.

Secure area means any area upon any city premises to which access is controlled by a security system.

Security system means magnetometers, x-ray devices, card-operated entry systems, camera surveillance systems, operating regulations and related measures, or any combination thereof, that may be installed, promulgated and operated upon any city premises to ensure that persons entering a secure area do not have weapons in their possession.

Weapon means a firearm, explosive device, club, knife or other offensive or defensive instrument as more particularly defined by regulation of the mayor under this article.
(Ord. No. 95-1200, § 3, 11-15-95)

Sec. 2-412. Article cumulative.

The provisions of this article are cumulative of all state and federal laws and other ordinances, civil service rules and regulations of the city. Without limitation of the foregoing, the provisions of this article shall not be applicable to the airport security systems established under applicable federal laws and regulations or to the municipal courts security systems established under chapter 16 of this Code, nor shall the provisions of this article be construed to limit more restrictive provisions with respect to the possession of weapons by city employees.
(Ord. No. 95-1200, § 3, 11-15-95)

Sec. 2-413. Regulations for security system.

Consistent with applicable state and federal laws, the mayor may promulgate regulations relating to establishment of secure areas and the installation and operation of security systems.
(Ord. No. 95-1200, § 3, 11-15-95)

Sec. 2-414. Entry into secure areas.

(a) It shall be unlawful for any person to enter or attempt to enter a secure area without fully complying with the applicable provisions of the security system.

(b) Violation of this section is declared to be unlawful and shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, provided that any conduct that also constitutes a violation of state or federal law shall be punishable as provided by the applicable state or federal law.
(Ord. No. 95-1200, § 3, 11-15-95)

Sec. 2-415. Weapons on city premises.

(a) Consistent with applicable state and federal laws, the mayor is authorized and requested to establish regulations relating to the possession of weapons upon city premises for the purpose of preventing the discharge of firearms and the use of other weapons on city premises. Consistent with state and federal laws and the terms of the mayor's regulations, directors of city departments may issue supplemental regulations relating to possession of weapons upon premises under their management and control.

(b) Signage to advise persons of the regulations shall be posted upon city premises, and copies of the regulations shall be posted or otherwise made available for inspection upon each premises to which they pertain and in the office of the city secretary.

(c) Compliance with regulations promulgated under this section is a condition of the entry upon and use of each premises to which they are applicable.

(d) All employees and contract security personnel of the city are authorized for and on behalf of the city to notify any person who fails to comply with any regulation promulgated under this section to depart from city premises.

(e) Any person who enters or remains on a city premises in violation of the regulations promulgated under this section after written notice not to enter or verbal notice to depart as provided in this section shall be subject to prosecution under section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed by his conduct.

(Ord. No. 95-1200, § 3, 11-15-95)

Secs. 2-416—2-430. Reserved.

ARTICLE XIII. BUILDING SERVICES DEPARTMENT*

Sec. 2-431. Department created.

There is hereby created the building services department of the city.

(Ord. No. 99-378, § 5, 4-21-99)

Sec. 2-432. Office of the director.

There is hereby created the office of director of the building services department.

(Ord. No. 99-378, § 5, 4-21-99)

Sec. 2-433. Professional services.

(a) To the extent that any of the duties and responsibilities assigned to the department are of a nature requiring that they be performed by or under the oversight of a person who holds a registration or license as an engineer, architect, electrician, plumber, stationary engineer or other profession or trade, the director shall ensure that the services are performed in compliance with applicable registration and licensing laws and by or under the supervision of a person who holds the required registration or license.

***Editor's note**—See editor's note to Art. XIV.

Note—This article shall take effect July 1, 1999.

(b) Nothing in this section shall be construed to require that the director hold any particular registration or license, and the director may employ persons who hold the required registration or license to perform and oversee the functions for which a registration or license is required.

(Ord. No. 99-378, § 5, 4-21-99)

Sec. 2-434. Functions.

The department shall:

- (1) Be responsible for construction and remodeling of city buildings, including management and provision of in-house and contract services for design of projects, construction bidding, construction contract management, construction-related testing services and construction-related environmental services;
- (2) Perform facilities management services including review of requirements for space in city buildings, negotiations of city building space leases, whether the city is the lessor or the lessee, assignment of space in city buildings, development of office size and furnishing standards, management of furnishings installations and office moves and related services whether performed directly by the department or by contractors;
- (3) Manage and oversee energy programs for city buildings;
- (4) Manage the purchasing of natural gas, electricity, heated and chilled water and related utilities for use by the city;
- (5) Provide on-site building maintenance and operations services for buildings assigned to the department for that purpose, including janitorial, cleaning, building systems maintenance, minor repairs, carpentry and construction work and security operation and maintenance; and
- (6) Render assistance to other city departments upon request for buildings that may not be under the direct management of the department on issues relating to building management.

The foregoing duties and functions shall not extend to aviation department properties, unless so requested by the aviation department.
(Ord. No. 99-378, § 5, 4-21-99)

Sec. 2-435. Coordination.

The director shall coordinate the work of the department with the directors of the finance and administration department, public works and engineering department and other departments that have concurrent functions, and the various directors shall develop operating guidelines as necessary to ensure coordination of work and delivery of services.

(Ord. No. 99-378, § 5, 4-21-99)

Sec. 2-436. Advisory committee.

The director and the mayor may establish an advisory committee of not less than five persons who perform building management services or have related responsibilities in the private sector. The committee shall advise the director on issues within the responsibility of the department for the purpose of ensuring that the department has the guidance necessary to provide services of the highest quality and ensuring that the director and the mayor remain aware of evolving issues with respect to building management.

(Ord. No. 99-378, § 5, 4-21-99)

Sec. 2-437. Transfer of duties.

To the extent that any other reference in this Code or in any other ordinance of the city or any reference in any city contract or other document devolves duties upon the finance and administration department or the public works and engineering department or the directors or employees of those departments that have been reassigned to the building services department or director thereof under this article, then the reference shall be construed to mean the building services department or the director and employees thereof, as applicable.

(Ord. No. 99-378, § 5, 4-21-99)

Secs. 2-438—2-450. Reserved.

ARTICLE XIV. NON-DISCRIMINATION IN CITY EMPLOYMENT, CITY SERVICES AND CONTRACTING PRACTICES

Sec. 2-451. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

City employment and employment opportunities shall include city job application procedures, recruitment, referrals for employment, selection and hiring, placements, compensation, promotions, demotions, transfers, layoffs, recalls, training, educational opportunities, and all forms of discipline, including indefinite suspensions/terminations.

Discriminate, discriminates, discrimination shall mean to distinguish, differentiate, separate, or segregate, to either the advantage or disadvantage of any person, on the basis of race, color, national origin, marital status, religion, age, gender, sexual orientation and gender identity, disability, military service, except as required by federal or state law or court order.

Sexual orientation and gender identity shall mean having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. Sexual orientation and gender identity does not include pedophilia, exhibitionism, voyeurism, or any unlawful conduct.

(Ord. No. 01-699, § 2, 7-25-01)

Sec. 2-452. Prohibition against discrimination in employment.

It is the policy of the city that the city will not discriminate in city employment and employment opportunities.

(Ord. No. 01-699, § 2, 7-25-01)

Sec. 2-453. Prohibition against discrimination in awarding contracts.

It is the policy of the city that the city will not discriminate in the consideration, award, or administration of any contract entered into between the city and any person (including, but not limited to, any contractor, vendor, supplier, lessee, or lessor) for the provision of any works, goods, or services of any type to the city.
(Ord. No. 01-699, § 2, 7-25-01)

Sec. 2-454. Prohibition against discrimination in city services.

It is the policy of the city that the city will not discriminate in authorizing or making available the use of city facilities or in the delivery of city services.
(Ord. No. 01-699, § 2, 7-25-01)

Sec. 2-455. Enforcement.

(a) It is the policy of the city that no employee or officer of the city shall engage in any act or practice prohibited by this article.

(b) An employee or officer found in violation of this article shall be subject to disciplinary action up to and including indefinite suspension/termination or removal from office pursuant to applicable city ordinances, city charter provisions, executive orders, administrative procedures, laws, and policies.

(c) The provisions of this article shall be enforced pursuant to applicable city ordinances, city charter provisions, executive orders, administrative procedures, laws, and policies.
(Ord. No. 01-699, § 2, 7-25-01)

Sec. 2-456. This article inapplicable to certain fringe benefits.

The provisions of this article are not in any manner applicable to those city provided fringe benefits (including, but not limited to, plans or programs of life, health, dental, disability coverage, or pension benefits) that are furnished by or through contracts between the city and third party vendors or administrators or are furnished under the terms of state laws governing pensions and benefits. Those fringe benefits shall instead

be governed under the terms of the programs, plans, contracts, and laws under which they are furnished.

(Ord. No. 01-699, § 2, 7-25-01)

Secs. 2-457—2-470. Reserved.

ARTICLE XV. INFORMATION TECHNOLOGY DEPARTMENT*

Sec. 2-471. Department created.

There is hereby created the information technology department of the city.
(Ord. No. 02-528, 14f., 6-19-02)

Sec. 2-472. Office of the director.

There is hereby created the office of director of the information technology department, who shall be appointed by the mayor and confirmed by the city council. The director shall be the executive officer of the department and shall perform or cause to be performed the duties that are assigned by law or by the mayor.
(Ord. No. 02-528, § 14f., 6-19-02)

Sec. 2-473. Functions.

The department shall be responsible for information resource management as follows:

- (1) Plan for strategic and tactical information systems needs and directions, including project priorities and schedules, resource allocation, and project budgeting.
- (2) Implement information systems including needs evaluation, design, development or acquisition of software applications, testing, and installation.
- (3) Maintain computer systems processed on the city's computers, providing restoration and enhancement as required for effective operation.
- (4) Operate production computer systems on computer equipment on a city-wide basis and provide the technical environment to

*Editor's note—Ord. No. 2004-672, § 2, adopted June 23, 2004, renumbered this former Ch. 2, Art. XVI, as Ch. 2, Art. XV. See the Code Comparative Table.

enable access to business information including mainframes, mini-computers, and micro-computers.

- (5) Procure and maintain the city's data assets, including voice and data telephone systems other than the 911 emergency systems.
 - (6) Coordinate procurement and installation of high-tech information systems including software, computer, and telephone equipment.
 - (7) Maintain archives of computer-generated records as requested by city departments and develop and maintain communications with these files; provide microfilm services for city documents.
- (Ord. No. 02-528, § 14f., 6-19-02)

Sec. 2-474. Transfer of duties.

To the extent that any other reference in this Code or in any other ordinance of the city or any reference in any city contract or other document devolves duties upon the finance and administration department or the directors or employees of those departments that have been reassigned to

the information technology department or director thereof under this article, then the reference shall be construed to mean the information technology department or the director and employees thereof, as applicable.

(Ord. No. 02-528, § 14f., 6-19-02)

Secs. 2-475—2-1000. Reserved.

ARTICLE XXX. TABLES AND CHARTS*

Sec. 2-1001. Facsimile signatures.

The authorization by section 2-27 to cause documents to be executed, certified or endorsed with a facsimile signature shall extend to the officers shown below with respect to each corresponding category of documents (as shown in the same numbered provision as the title of the officer), but no such facsimile signature shall be valid unless all of the corresponding special requirements for validity of the facsimile signature (as indicated in the same numbered provision) are present.

*Editor's note—Ord. No. 2004-672, § 2, adopted June 23, 2004, renumbered this former Ch. 2, Art. XV as Ch. 2, Art. XXX. See the Code Comparative Table.

**TABLE 2-1001
FACSIMILE SIGNATURES**

<i>Description of Documents</i>	<i>Officers</i>	<i>Special Requirements for Validity of Facsimile Signatures</i>
(1) Contracts and other written agreements, including but not limited to, compromise and settlement agreements, whether approved by city council or not, subject to the requirements of Article II, Section 19a of the Houston City Charter	Mayor, City Controller, Mayor Pro Tem, Vice Mayor Pro Tem	A, B, C

<i>Description of Documents</i>	<i>Officers</i>	<i>Special Requirements for Validity of Facsimile Signatures</i>
(2) Purchase orders and month-to-month office equipment agreements, whether approved by city council or not, subject to the requirements of Article II, Section 19a of the Houston City Charter	Mayor, City Controller, Mayor Pro Tem, Vice Mayor Pro Tem	A, B, D
(3) Written acceptances on behalf of the city of certain deeds, dedications, easements or other instruments relating to real or personal property, as designated in section 2-201 of this Code	Mayor, Mayor Pro Tem, Vice Mayor Pro Tem	A
(4) Letters of indefinite suspension	Mayor	A and B
(5) Notices to contractors, including change orders approved by city council, contemplated by any contract document to be signed by the mayor and the city controller	Mayor, City Controller, Mayor Pro Tem, Vice Mayor Pro Tem	A and B

(Ord. No. 86-1252, § 28, 7-16-86; Ord. No. 93-931, § 3, 9-4-93; Ord. No. 94-1112, § 2, 10-19-94; Ord. No. 96-50, § 4, 1-17-96; Ord. No. 96-1248, § 3, 11-26-96; Ord. No. 97-415, § 2, 4-17-97; Ord. No. 00-184, § 2, 3-22-00; Ord. No. 01-1079, §§ 3, 4, 12-5-01; Ord. No. 04-497, § 2, 5-26-04; Ord. No. 04-672, § 3, 6-23-04)

As used in Table 2-1001, the following symbols shall have the meanings set out below:

- "A" Means that the facsimile signature is invalid unless, at the time it is affixed, there is on file an effective facsimile signature certificate which contains a likeness of the facsimile signature, the manual signature of the officer who has adopted it and a description of the documents to which the facsimile signature may be affixed.
- "B" Means that the facsimile signature is invalid unless the facsimile signature is manually cosigned or initialed, as specified on the facsimile signature certificate,

by a person whose name and manual signature (or, if applicable, initials), in addition to the elements listed under "A" above, are contained in an effective facsimile signature certificate on file at the time the facsimile signature is affixed.

- "C" Means the facsimile signature is invalid unless the document to which it is affixed bears the embossed impression of the official seal of the city and a manual attesting signature of the secretary or an assistant city secretary.

- "D" Means that any facsimile signature imprinted by the purchasing agent or any officer of the strategic purchasing depart-

ment is invalid unless, in addition to the elements listed under "A" and "B" above, the facsimile signature is accompanied by the manual or stamped signature of the Purchasing Agent.

(Code 1968, § 2-17; Ord. No. 82-266, § 1, 2-10-82; Ord. No. 82-1318, § 1, 8-24-82; Ord. No. 82-1829, § 1, 11-19-82; Ord. No. 85-2120, § 3, 12-10-85; Ord. No. 86-1252, § 28, 7-16-86; Ord. No. 04-672, § 3, 6-23-04)